

IN THE CLAIMS

Please amend the Claims as follows.

1. (Currently Amended). An oral device comprising:
  - a mouthpiece member, the mouthpiece member being of a soft resilient material ~~and individually tailored to fit within the contours of the teeth of a wearer~~;
  - a tube member, the tube member being affixed, at a first end, to the mouthpiece member and extending from the mouthpiece member and operable to maintain upward pressure against the soft tissue palate at the rear of the ~~roof of the mouth~~ oral cavity of the wearer; and
  - an attachment member, the attachment member being attached to the mouthpiece member at at least one location and operable to secure the oral device within the oral cavity of the wearer;

whereby the tube member defines an opening, the opening preventing the collapse of the soft tissue palate of the wearer ~~by~~ and allowing for the free transfer of air between the wearer and the environment.
2. (Cancelled).
3. (Original). The oral device of Claim 1, further comprising a cushion member disposed on a second end of the tube member, the second end of the tube member being opposite the first end of the tube member.
4. (Currently Amended). The oral device of Claim 1, wherein the tube member comprises an adjustable length to ~~adequately fit the size of span the distance between the mouth of the wearer and the soft palate of the wearer~~.
5. (Original). The oral device of Claim 1, wherein the attachment member is comprised of a resilient material.

6. (Currently Amended). An oral device comprising:
  - a mouthpiece member, the mouthpiece member being of a resilient material and may be individually tailored to fit within the contours of the teeth of a wearer;
  - a tube member, the tube member being affixed, at a first end, to the mouthpiece member and extending from the mouthpiece member towards the soft tissue palate, at the rear of the ~~roof of the mouth~~ oral cavity of the wearer;
  - a soft tissue palate member, the soft tissue palate member extending from a second end of the tube member and operable to maintain upward pressure against the soft tissue palate of the wearer, the second end of the tube member being opposite the first end of the tube member; and
  - an attachment member, the attachment member being attached to the mouthpiece member at at least one location and operable to secure the oral device within the oral cavity of the wearer;

whereby the tube member defines an opening, the opening preventing the collapse of the soft tissue palate of the wearer by allowing for the free transfer of air between the wearer and the environment.
7. (Cancelled).
8. (Currently Amended). The oral device of Claim 5, further comprising a cushion member disposed on ~~a second~~ an end of the ~~tube~~ soft palate member, ~~the second end of the tube member being opposite the first end of the tube member~~.
9. (Currently Amended). The oral device of Claim 5, wherein the soft tissue palate member comprises an adjustable length to ~~adequately fit the size of span the distance from~~ the mouth of the wearer to the soft palate of the wearer.
10. (Original). The oral device of Claim 5, wherein the attachment member is comprised of a resilient material.

11. (Currently Amended). The oral device of Claim 5, wherein the tube member does not extend substantially past the teeth of the wearer and allows for air to be dispersed throughout the whole of the oral cavity of the wearer.

12. (Currently Amended). An oral device comprising:

a mouthpiece member, the mouthpiece member being of a resilient material and may be individually tailored to fit within the contours of the teeth of a wearer;

a tube member, the tube member being affixed, at a first end, to the mouthpiece member and extending ~~from the mouthpiece member~~ towards the ~~soft tissue at the rear of the roof of the mouth~~ oral cavity of the user, wherein the tube member does not extend past the teeth of the wearer and allows for air to be dispersed throughout the oral cavity of the wearer;

a soft tissue palate member, the soft tissue palate member extending from a second end of the tube member and operable to maintain upward pressure against the soft tissue palate of the wearer, the second end of the tube soft palate member being opposite the first end of the tube soft palate member;

a tongue member, the tongue member extending from the second end of the tube member and operable to maintain downward pressure against the tongue of the wearer; and

an attachment member, the attachment member being attached to the mouthpiece member at at least one location and operable to secure the oral device within the oral cavity of the wearer;

whereby the tube member defines an opening, the opening preventing the collapse of the soft tissue of the wearer by allowing for the free transfer of air between the wearer and the environment.

13. (Cancelled).

14. (Currently Amended). The oral device of Claim 12, further comprising a cushion member disposed on a second an end of the tube soft palate member, the second end of the tube member being opposite the first end of the tube member.

15. (Currently Amended). The oral device of Claim 12, wherein the soft tissue palate member ~~comprises an~~ extends rearward past the teeth of the wearer and through the oral cavity of the wearer, and is adjustable in length to adequately fit the size of the mouth so as to engage and lift the soft palate of the wearer in the pharyngeal area of the oral cavity.

16. (Currently Amended). The oral device of Claim 12, wherein the tongue member ~~comprises an~~ is adjustable in length to adequately fit the size of the mouth so as to extend rearward past the teeth of the wearer along the top of the tongue of the wearer.

17. (Original). The oral device of Claim 12, wherein the attachment member is comprised of a resilient material.

18. (Cancelled).

19. (Cancelled).

20. (New). The oral device of Claim 10, wherein the tongue member follows the downward curvature of the tongue of the wearer so as to control movement of the tongue of the wearer.

Date: 30 May 2007

Respectfully submitted,

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